

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

JOSE ORLANDO FERNANDEZ

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

CIVIL NO. 02-2299 (DRD)

ORDER

Petitioner's Section 2255 motion (Docket No. 1) must be **DISMISSED** under the AEDPA, 28 U.S.C. § 2255 ¶ 6 (1). Petitioner was convicted following a jury trial and sentenced. His conviction was affirmed on appeal. See U.S. v. Fernández, 145 F. 3d 59 (1st Cir. 1998). No Supreme Court review was sought. The present Section 2255 motion was filed on August 27, 2002, well over one (1) year after petitioner's conviction became final. Accordingly, this action is time-barred.

SO ORDERED.

Date: August 15, 2005

Daniel R. Dominguez
DANIEL R. DOMINGUEZ
United States District Judge